



PATENT APPLICATION

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Technology Center 2600

In re application of

Docket No: Q56734

Jong-hee HAN

Appln. No.: 09/440,639

Group Art Unit: 2615

Confirmation No.: 3207

Examiner: ONUAKU, CHRISTOPHER O

Filed: November 16, 1999

For: APPARATUS AND METHOD OF CONTROLLING
PLAYBACK ACCORDING TO PROGRAM RATINGS

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
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Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated September 21, 2004. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

The application was originally filed with claims 1-3. Claims 4 and 5 were added by Preliminary Amendment filed January 21, 2000. Claims 1-5 are all of the claims currently pending in the application.

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Abecassis (USP 6,553,178).

Claims 3 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Abecassis in view of Yeun et al (USP 6,091,884) and further in view of Choi (USP 5,519,549).

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1) Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Abecassis (USP 6,553,178).

2) Claims 3 and 5 are rejected under 35 U.S.C. § 103 as being unpatentable over Abecassis in view of Yeun et al (USP 6,091,884) and further in view of Choi (USP 5,519,549).

ARGUMENT

In response to the Examiner's Answer, Appellant provides the following clarifying discussion regarding the patentability of claims 1-5.

Rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(e)

To review briefly, in the Appeal Brief Appellant argued that Abecassis does not teach (or suggest) the claimed feature of "a tape speed controller for executing a high-speed search mode when the controller generates the first control signal, and for executing the general playback mode when the controller generates the second control signal", as recited on claim 1. It was argued that Abecassis selects video content using a random access device. Abecassis uses the random access memory to organize content selected from sequential and non-sequential segments. On the other hand, claim 1 includes a tape speed controller to execute a high-speed search mode when a controller generates a first control signal for blocking a video/audio signal, the first control signal being generated if a viewable program rating set by a user is lower than the rating of the decoding program rating data. (Appeal Brief, pages 3-5.)

In the Examiner's Answer, the Examiner responds:

In response, as discussed in claim 1 above, Abecassis clearly discloses a speed controller that controls the various speeds (fast forward, rewind, frame advance, skip) of the playback device, wherein, for example, portions of unwanted segment are skipped by fast forwarding (high speed) the undesirable portion which contains unwanted portion(s) of the segment being played back. When the Abecassis system is in a playback mode, it is at the same time in a search mode at which time segments desired by the user are searched, played or skipped based

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on the content of the portions(s) of the segment, and as desired and coded by the user.

In column 40, lines 26-36, Abecassis discloses that the speed keys provide the viewer control over the transmission rates of, for example, the fast forward, rewind, frame advance, and replay functions. Other keys may be used in combination, for example, while the video is being fast forwarded, the skip key may be utilized by the viewer to further accelerate transmission.

Furthermore, in column 31, lines 14-25, Abecassis discloses that a content-on-demand video, video map, and user routines may be provided to the viewer by means of a variety of existing and evolving technologies. These technologies include hard formats such as tape, Video CD, magnetic disk, combination laser one side magnetic underside disk, memory chips and bubble modules. And in column 4, lines 9-12, Abecassis discloses that content-on-demand permits a parent or viewer to determine what is objectionable. Only objectionable segments are excluded and replaced with suitable parallel segments. The resulting video retains a seamless continuity.

In response to the Examiner's comments, Appellant submits the following. It is clear that Abecassis' system has two aspects: 1) a content delivery aspect; and 2) a playback aspect. The

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content delivery system may, as explained at column 31, lines 14-25, cited by the Examiner, utilize different technologies, including video tape to deliver content to the user. It is also possible for the viewer, while content is being transmitted to the viewer, to control the transmission rate by using a fast forward feature, as explained at col. 40, lines 26-36, cited by the Examiner. Col. 40, lines 26-28 state: "It is noted that the speed keys provide the viewer control over the transmission rates of, for example, the fast forward, rewind, frame advance, and play functions." (Underlining added.) Thus, the user may affect download speed of the video content. This does not teach (or suggest) a tape speed controller to execute a high-speed search mode when a controller generates a first control signal for blocking a video/audio signal, the first control signal being generated if a viewable program rating set by a user is lower than the rating of the decoding program rating data.

Turning to the playback aspect of Abecassis, Abecassis discloses a random access feature for playback. The random access feature plays back a video constructed from various segments of the video content. For example, although several different versions of a particular scene may have been transmitted, the random access feature selects one version of the scene that is appropriate for the user, but does not select the other versions. The provision of a random access feature is required to provide seamless playback. That is, using a tape to fast forward through objectionable versions will not provide the seamless continuity of playback sought by Abecassis. Col. 2, lines 42-47 state:

A content-on-demand video is a variable content video further distinguished from its linear video predecessors [for example, tape] in that it also comprises parallel and transitional segments that enhance the seamless continuity among non-sequential segments and provide a greater range of levels of detail and explicitness.

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In the Examiner's answer, the Examiner stated, as quoted above, "And in column 4, lines 9-12, Abecassis discloses that content-on-demand permits a parent or viewer to determine what is objectionable. Only objectionable segments are excluded and replaced with suitable parallel segments. The resulting video retains a seamless continuity." (Underlining added.) Appellant submits that this reasoning supports Appellant's argument that Abecassis does not teach the claimed tape speed controller, because using a tape speed controller in the manner claimed would not provide seamless continuity. That is, Abecassis teaches that the segments to be played back must be selected from a non-linear source to provide seamless continuity, although the segments may have been provided by a linear source. Appellant notes that col. 34, lines 17-24, provides an example of how a linear source and non-linear editing may be combined:

Clearly, a RAViT may be configured to duplicate the functions of a nonlinear editing system as previously detailed. Both the RAViT 931 and the editing system 971 are capable of receiving input from other sources such as for example a digital or analog video camera 961 and video tape player 962. As is the case with RAViT 931, the editing system 971 is capable of outputting video to, for example, a TV 951 and to a PC 954.

Additionally, Abecassis teaches that the delivery and playback aspects may be combined into one system. At col. 38, line 66 to col. 39, line 25, Abecassis describes a system where the video provider server may apply the viewer's content preferences and deliver a video reflecting the content preferences to a user. Abecassis does not teach (or suggest), however, the claimed tape speed controller to execute a high-speed search mode when a controller generates a first control signal for blocking a video/audio signal, the first control signal being generated if a

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viewable program rating set by a user is lower than the rating of the decoding program rating data.

In responding to Appellant's argument with respect to claim 2, the Examiner refers to his discussion of claim 1. Therefore, Appellant does not her provide further argument regarding claim 2.

Rejection of claims 3 and under 35 U.S.C. § 103

Regarding the rejection of claims 3 and 5 under 35 U.S.C. § 103 as being unpatentable over Abecassis in view of Yuen (USP 5,519,549) and further in view of Choi (USP 5,519,549), the Examiner states, "The VISS system would be desirable in the Abecassis system in order, for example, to mark the start and end of the different segments of a program in the Abecassis system." (Examiner's Answer, page 9, lines 6-8.) The Examiner also argues that Appellant arbitrarily makes a distinction as to systems to which only the VISS system can be used. (Examiner's Answer, page 9, lines 9-11.) Appellant submits, however, that there is no teaching or suggestion for modifying the Abecassis system to include the VISS feature recited in claims 3 and 5. The VISS system is well known in the art, and is known to be applicable to VHS tapes. Generally, VISS refers to "VHS Index Search System", and as such is not adaptable to a system such as that disclosed in Abecassis, which employs a random access memory for playback rather than using a tape. For this further reason, Appellant submits that claims 3 and 5 are patentable over Abecassis, Yuen and Choi.

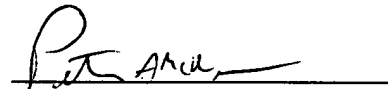
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CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal.

An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter A. McKenna", is written over a horizontal line.

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